

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

BADGER DAYLIGHTING GULF :  
COAST, LLC, :  
: Plaintiff, :  
: :  
vs. : CIVIL ACTION 10-0536-CG-M  
: :  
CATERPILLAR, INC., :  
: :  
Defendant. :  
:

ORDER

A settlement conference was held this date, at the conclusion of which the parties notified the Court that this action has been settled. The parties request that this action be dismissed with prejudice, each party to bear his, her or its own costs, provided that either party may reinstate the action within thirty (30) days if the settlement agreement is not consummated.

DONE this 28<sup>th</sup> day of July, 2011.

S/BERT W. MILLING, JR.  
UNITED STATES MAGISTRATE JUDGE